

Redacted Version

FILED United States District Court

2012 NOV 29 P 35 FOR THE
NORTHERN DISTRICT OF CALIFORNIA

RICHARD H. WIESENG
CLERK U.S. DISTRICT COURT
FEDERAL BUILDING

VENUE: SAN JOSE

CR 12 833

LHK

SEALED

BY COURT ORDER

PSG

UNITED STATES OF AMERICA,

v.

"Chava" LNU, a/k/a "Salvador" a/k/a
"Primito," PEDRO CARBAJAL -
RUVALCABA, a/k/a "Guero,"
ALEJANDRO ESPINOZA DELTORO,
a/k/a "Marco Andres Arollo" a/k/a "Marco
Ortuno Del Toro" a/k/a "Primaso," OMAR
GONZALEZ, and [REDACTED]

[REDACTED]
DEFENDANT(S).

INDICTMENT

COUNT ONE: 21 U.S.C. § 846 - Conspiracy to Possess with Intent
to Distribute and to Distribute Methamphetamine; COUNT TWO: 18
U.S.C. § 1956(h) - Conspiracy to Commit Money Laundering;
COUNT THREE: 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2 -
Distribution of Methamphetamine and Aiding and Abetting
21 U.S.C. § 853(a) - Drug Forfeiture
18 U.S.C. § 982(a)(1) - Money Laundering Forfeiture

A true bill

Paul A. S.
Foreman

Filed in open court this 29th day of

November, 2012.

Clerk

L. C. C. Bail: \$ no bail warrants

DOCUMENT NO.	CSA# INITIALS
<u>1</u>	
DISTRICT COURT CRIMINAL CASE PROCESSING	

1 MELINDA HAAG (CABN 132612)
2 United States Attorney

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FILED
2012 NOV 29 PM 3:35
RICHARD W. WICKING
CLERK U.S. DISTRICT COURT
BY COURT ORDER
LHK PSG

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

12 UNITED STATES OF AMERICA;

CR No. 12 833

13 Plaintiff,
14 v.
15 "CHAVA" LNU,
16 a/k/a "Salvador"
17 a/k/a "Primito,"
18 PEDRO CARBAJAL-RUVALCABA,
19 ALEJANDRO ESPINOZA DELTORO,
OMAR GONZALEZ, and
Defendants.

VIOLATIONS: 21 U.S.C. § 846 -
Conspiracy to Possess with Intent to
Distribute and to Distribute
Methamphetamine; 21 U.S.C. § 841(a)(1) -
Distribution of Methamphetamine; 18
U.S.C. § 1956(h) - Conspiracy to Commit
Money Laundering; 18 U.S.C. § 2 - Aiding
and Abetting; 21 U.S.C. § 853(a) - Drug
Forfeiture; 18 U.S.C. § 982(a)(1) - Money
Laundering Forfeiture

SAN JOSE VENUE

UNDER SEAL OF COURT

INDICTMENT

The Grand Jury charges:

COUNT ONE: (21 U.S.C. § 846 - Conspiracy to Possess with Intent to Distribute and to Distribute Methamphetamine)

Beginning on a date unknown to the Grand Jury but no later than on or about May 25, 2012, and continuing through at least on or about November 29, 2012, in the Northern District of

INDICTMENT

1 California, and elsewhere, the defendants,

2 "CHAVA" LNU,
3 a/k/a "Salvador"
4 a/k/a "Primito,"
5 PEDRO CARBAJAL-RUVALCABA,
6 a/k/a "Guero,"
7 ALEJANDRO ESPINOZA DELTORO,
8 a/k/a "Marco Andres Arollo"
9 a/k/a "Marco Ortuno Del Toro"
10 a/k/a "Primaso,"
11 OMAR GONZALEZ,
12 and
13 [REDACTED]

14 did knowingly and intentionally conspire with each other, and with other persons both known
15 and unknown to the Grand Jury, to possess with intent to distribute and to distribute a Schedule II
16 controlled substance, to wit: 500 grams or more of a mixture and substance containing a
17 detectable amount of methamphetamine, its salts, isomers, and salts of its isomers, in violation of
18 Title 21, United States Code, Sections 846, 841(a)(1), and 841(b)(1)(A)(viii).

19 COUNT TWO: (18 U.S.C. § 1956(h) – Conspiracy to Commit Money Laundering)

20 Beginning on a date unknown to the Grand Jury but no later than on or about May 25,
21 2012, and continuing through at least on or about October 12, 2012, in the Northern District of
22 California, the defendants,

23 "CHAVA" LNU,
24 a/k/a "Salvador"
25 a/k/a "Primito,"
26 PEDRO CARBAJAL-RUVALCABA,
27 a/k/a "Guero,"
28 ALEJANDRO ESPINOZA DELTORO,
namely, that they transported and attempted to transport monetary instruments and funds from a
place in the United States, to wit, the Northern District of California, to a place outside the

1 United States, to wit, Mexico, knowing that the monetary instruments and funds represented the
2 proceeds of some form of unlawful activity, and knowing that such transportation was designed
3 in whole and in part to conceal and disguise the nature, location, source, ownership, and control
4 of the proceeds of specified unlawful activity, all in violation of Title 18, United States Code,
5 Sections 1956(h).

6 COUNT THREE: (21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2 - Distribution of Methamphetamine and Aiding and Abetting)

7 On or about October 19, 2012, in the Northern District of California, the defendants,

"CHAVA" LNU,
a/k/a "Salvador"
a/k/a "Primoto."
PEDRO CARBAJAL-RUVALCABA,
a/k/a "Guero,"
and
OMAR GONZALEZ,

13 each aided and abetted by the other, did knowingly and intentionally distribute a Schedule II
14 controlled substance, to wit: 500 grams or more of a mixture and substance containing a
15 detectable amount of methamphetamine, its salts, isomers, and salts of its isomers, in violation of
16 Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A)(viii) and Title 18, United
17 States Code, Section 2.

18 | FIRST FORFEITURE ALLEGATION: (21 U.S.C. § 853(a) - Drug Forfeiture)

19 The allegations contained in Counts One, Two, and Three of this Indictment are hereby
20 realleged and by this reference fully incorporated herein.

Upon conviction of any of the offenses alleged in Counts One, Two, and Three of this
Indictment, the defendants,

"CHAVA" LNU
a/k/a "Salvador"
a/k/a "Primoto,"
PEDRO CARBAJAL-RUVALCABA
a/k/a "Guero,"
ALEJANDRO ESPINOZA DEL TORO
a/k/a "Marco Andres Arrollo"
a/k/a "Marco Ortuno Del Toro
a/k/a "Primaso,"
OMAR GONZALEZ,
and

1
2 shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853(a)(1) and
3 (2), any property constituting, or derived from any proceeds obtained, directly or indirectly as a
4 result of said violations, including but not limited to the following: \$240,099.00 in U.S.
5 currency, seized on or about October 12, 2012.

6 If, as a result of any act or omission of the defendants, any of said property

7 a. cannot be located upon the exercise of due diligence;
8 b. has been transferred or sold to or deposited with, a third person;
9 c. has been placed beyond the jurisdiction of the Court;
10 d. has been substantially diminished in value; or
11 e. has been commingled with other property which cannot be divided without
12 difficulty;

13 any and all interest defendants have in any other property, up to value of the property described
14 in Paragraph 2 above, shall be forfeited to the United States, pursuant to Title 21, United States
15 Code, Section 853(p). All in violation of Title 21, United States Code, Section 853, and Rule
16 32.2 of the Federal Rules of Criminal Procedure.

17 SECOND FORFEITURE ALLEGATION: (18 U.S.C. § 982(a)(1) – Money Laundering
18 Forfeiture)

19 The allegations contained in Count Two of this Indictment are hereby realleged and by
20 this reference fully incorporated herein.

21 Upon conviction of the offense alleged in Count Two, the defendants,

22 "CHAVA" LNU,
23 a/k/a "Salvador"
24 a/k/a "Primito,"
25 PEDRO CARBAJAL-RUVALCABA,
26 a/k/a "Guero,"
27 ALEJANDRO ESPINOZA DELTORO,
28 a/k/a "Marco Andres Anolio"
a/k/a "Marco Ortuno Del Toro"
a/k/a "Primaso,"
and
[REDACTED]

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1) any

1 property, real and personal, involved in said violations, or any property traceable to such
2 property, including but not limited to the following: \$240,099.00 in U.S. currency seized
3 on or about October 12, 2012.

4 If, as a result of any act or omission of the defendant, any of said property

- 5 a. cannot be located upon the exercise of due diligence;
- 6 b. has been transferred or sold to or deposited with a third person;
- 7 c. has been placed beyond the jurisdiction of the Court;
- 8 d. has been substantially diminished in value; or
- 9 e. has been commingled with other property which cannot be divided without
difficulty;

10 any and all interest defendants have in any other property, up to value of the property described
11 in the preceding paragraph, shall be forfeited to the United States, pursuant to Title 21, United
12 States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b), and
13 Rule 32.2 of the Federal Rules of Criminal Procedure.

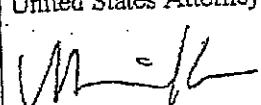
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15 DATED:

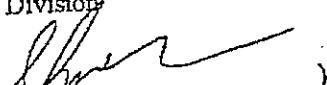
16 November 29, 2012

A TRUE BILL.


Foreperson

17
18
19 MELINDA HAAG
United States Attorney

20 
21
22 MIRANDA KANE
Criminal Chief, Criminal Division

23
24 (Approved as to form: 
25 GRANT FONDO, AUSA
RICHARD C. CHENG, AUSA

26
27
28 INDICTMENT

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT SUPERSEDING

OFFENSE CHARGED

See Attachment

Petty
 Minor
 Misdemeanor
 Felony

PENALTY: See Attachment

Name of District Court, and/or Judge/Magistrate, location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

DEFENDANT - U.S.

"CHAVA" LNU a/k/a "Salvador" a/k/a "Primoto"

DISTRICT COURT NUMBER

CR 12 833 LHK

DEFENDANT

PSG

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

 person is awaiting trial in another Federal or State Court,
 give name of court this person/proceeding is transferred from another district
 per (circle one) FRCrp 20, 21, or 40. Show District this is a reprocution of
 charges previously dismissed
 which were dismissed on motion
 of: U.S. ATTORNEY DEFENSESHOW
DOCKET NO. this prosecution relates to a
 pending case involving this same
 defendantMAGISTRATE
CASE NO. prior proceedings or appearance(s)
 before U.S. Magistrate regarding this
 defendant were recorded underName and Office of Person
 Furnishing Information on this form Melinda Haag U.S. Attorney Other U.S. AgencyName of Assistant U.S.
 Attorney (if assigned) Grant Fondo This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

 SUMMONS NO PROCESS* WARRANTBail Amount: No Bail

If Summons, complete following:

 Arraignment Initial Appearance

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: _____

Before Judge: _____

Comments: _____

41

AO 257 (Rev. 3/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

See Attachment

Petty
 Minor
 Misdemeanor
 Felony

PENALTY: See Attachment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

2012 NOV 29 P 3:35

DEFENDANT - U.S.

RICHARD W. WICKING
 CLERK, U.S. DISTRICT COURT
 PEDRO CARBAJAL-RUVACABA, a/k/a "GORDON"

DISTRICT COURT NUMBER

CR 12-833-PSG
 DEFENDANT
 BY COURT ORDER
 SEALED LHK

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

person is awaiting trial in another Federal or State Court,
 give name of court

this person/proceeding is transferred from another district
 per (circle one) FRCrP 20, 21, or 40. Show District

this is a reprocsecution of
 charges previously dismissed
 which were dismissed on motion
 of:

U.S. ATTORNEY DEFENSE

SHOW DOCKET NO.

this prosecution relates to a
 pending case involving this same
 defendant

MAGISTRATE CASE NO.

prior proceedings or appearance(s)
 before U.S. Magistrate regarding this
 defendant were recorded under

Name and Office of Person
 Furnishing Information on this form Melinda Haag

U.S. Attorney Other U.S. Agency

Name of Assistant U.S.
 Attorney (if assigned)

Grant Fondo

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT Ball Amount: No Ball

If Summons, complete following:
 Arraignment Initial Appearance

Defendant Address:

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

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AO 257 (Rev. 6/3/8)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT			
BY: <input type="checkbox"/> COMPLAINT <input type="checkbox"/> INFORMATION <input checked="" type="checkbox"/> INDICTMENT		Name of District Court, and/or Judge/Magistrate Location	
OFFENSE CHARGED <input type="checkbox"/> SUPERSEDING		NORTHERN DISTRICT OF CALIFORNIA SAN JOSE DIVISION 11/29/12 P 335	
See Attachment		<input type="checkbox"/> Petty <input type="checkbox"/> Minor <input type="checkbox"/> Misdemeanor <input checked="" type="checkbox"/> Felony	
PENALTY: See Attachment		DEFENDANT - U.S. CLERK AND W. J. VITALE ALEJANDRO ESPINOZA DEL TORO a/k/a "Marco Andres Arrollo" a/k/a "Marco Ortuno Del Torito" a/k/a "Pilmaso" DISTRICT COURT NUMBER: CR 12 833 SEAL JUDGE ORDER PSG	
PROCEEDING Name of Complainant Agency, or Person (& Title, if any) <input type="checkbox"/> person is awaiting trial in another Federal or State Court, give name of court <input type="checkbox"/> this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21, or 40. Show District <input type="checkbox"/> this is a reprocsecution of charges previously dismissed which were dismissed on motion of: <input type="checkbox"/> U.S. ATTORNEY <input type="checkbox"/> DEFENSE } SHOW DOCKET NO. <input type="checkbox"/> this prosecution relates to a pending case involving this same defendant <input type="checkbox"/> prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under } MAGISTRATE CASE NO.			
Name and Office of Person furnishing Information on this form <u>Melinda Haag</u> <input checked="" type="checkbox"/> U.S. Attorney <input type="checkbox"/> Other U.S. Agency			
Name of Assistant U.S. Attorney (if assigned) <u>Grant Fondo</u> ADDITIONAL INFORMATION OR COMMENTS PROCESS: <input type="checkbox"/> SUMMONS <input type="checkbox"/> NO PROCESS* <input checked="" type="checkbox"/> WARRANT <input type="checkbox"/> Bail Amount: <u>No Bail</u> If Summons, complete following: <input type="checkbox"/> Arraignment <input type="checkbox"/> Initial Appearance Defendant Address: Date/Time: _____ Before Judge: _____ Comments: _____			

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AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

See Attachment

 Petty
 Minor
 Misdemeanor
 Felony

PENALTY: See Attachment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

RICHARD H. WEXLER
CLERK, U.S. DISTRICT COURT

OMAR GONZALEZ

CR 12 833
DISTRICT COURT NUMBER

LHK

PSG

SEALED
DEFENDANT ORDER

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

 person is awaiting trial in another Federal or State Court, give name of court this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21, or 40. Show District this is a reprocution of charges previously dismissed
 which were dismissed on motion of: U.S. ATTORNEY DEFENSE

SHOW DOCKET NO.

 this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

 prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person Furnishing Information on this form Mellinda Haag

 U.S. Attorney Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

Grant Fondo

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

 SUMMONS NO PROCESS* WARRANT Bail Amount: No BailIf Summons, complete following:
 Arraignment Initial Appearance

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: Before Judge:

Comments:

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FD-351 (Rev. 5-15)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT SUPERSIDING

OFFENSE CHARGED

See Attachment

Petty
 Minor
 Misdemeanor
 Felony

PENALTY: See Attachment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

DEFENDANT - U.S. DISTRICT COURT

CLERK'S OFFICE

DISTRICT COURT NUMBER

BY COURT ORDER

CR 12 833-H

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

 person is awaiting trial in another Federal or State Court, give name of court this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21, or 40. Show District this is a reprocsecution of charges previously dismissed which were dismissed on motion of: U.S. ATTORNEY DEFENSE

SHOW DOCKET NO.

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MAGISTRATE CASE NO.

 prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person Furnishing Information on this form Melinda Haag

 U.S. Attorney Other U.S. Agency

Name of Assistant U.S. Attorney (If assigned)

Grant Fondo

 This report amends AO 257 previously submitted

PROCESS:

 SUMMONS NO PROCESS* WARRANT

Bail Amount No Bail

If Summons, complete following:

 Arraignment Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

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AMENDED PENALTY SHEET ATTACHMENT: U.S. v. CHAVA, ET AL.

Count One (All Defendants): 21 U.S.C. § 846 - Conspiracy to Possess with Intent to Distribute and to Distribute Methamphetamine [more than 500 grams].

Penalties:

a.	Maximum prison sentence:	Life
b.	Mandatory minimum prison sentence	10 years
c.	Maximum fine	\$4,000,000
d.	Maximum supervised release term	Life
e.	Mandatory minimum supervised release term	5 years
f.	Mandatory special assessment	\$100

If Information is filed alleging a prior conviction for a felony drug offense:

Penalties:

a.	Maximum prison sentence:	Life
b.	Mandatory minimum prison sentence	20 years
c.	Maximum fine	\$8,000,000
d.	Maximum supervised release term	Life
e.	Mandatory minimum supervised release term	10 years
f.	Mandatory special assessment	\$100

Count Two (CHAVA, CARBAJAL, ESPINOZA, and [REDACTED]): 18 U.S.C. § 1956(h) - Conspiracy to Commit Money Laundering.

Penalties:

a.	Maximum prison sentence:	20 years
b.	Maximum fine	\$500,000 (or twice the gross gain or gross loss)
c.	Supervised release term	3 years
d.	Mandatory special assessment	\$100

Count Three (CHAVA, CARBAJAL, and GONZALEZ): 21 U.S.C. § 841(a)(1)-Distribution of Methamphetamine [more than 500 grams]; 18 U.S.C. § 2 - Aiding and Abetting.

Penalties:

a.	Maximum prison sentence:	Life
b.	Mandatory minimum prison sentence	years
c.	Maximum fine	\$4,000,000
d.	Maximum supervised release term	Life

e.	Mandatory minimum supervised release term	5 years
f.	Mandatory special assessment	\$100

If Information is filed alleging a prior conviction for a felony drug offense:

Penalties:

a.	Maximum prison sentence:	Life
b.	Mandatory minimum prison sentence	20 years
c.	Maximum fine	\$8,000,000
d.	Maximum supervised release term	Life
e.	Mandatory minimum supervised release term	10 years
f.	Mandatory special assessment	\$100

United States District Court
Northern District of CaliforniaFILED
BY COURT ORDER
SEALED

CRIMINAL COVER SHEET

11/29 P 3 35

Instructions: Effective January 3, 2012, this Criminal Cover Sheet must be completed and submitted, along with the Defendant Information Form, for each new criminal case. Please place this form on top of the Defendant Information Form.

Case Name:

USA v. CHAVA, ET AL.

Case Number:

CR

12 833

LHK

Total Number of Defendants:

1 _____ 2-7 8 or more _____

Is This Case Under Seal?

Yes No _____

Does this case involve ONLY charges under 8 U.S.C. § 1325 and/or 1326?

Yes _____ No

Venue (Per Crim. L.R. 18-1):

SF _____ OAK _____ SJ

Is this a death-penalty-eligible RICO Act gang case?

Yes _____ No

Assigned AUSA (Lead Attorney):

Grant Fondo

Comments:

Date Submitted:

11/29/2012